

| | |
|------------|--|
| Title | New Form for Petition for Certificate of Identity Theft (approve form CR-151). |
| Summary | The proposed form would help identity theft victims petition the court for a <i>Certificate of Identity Theft: Judicial Finding of Factual Innocence</i> , (form CR-150) under Penal Code section 530.6. |
| Source | Criminal Law Advisory Committee |
| Staff | Joshua Weinstein, 415-865-7688, joshua.weinstein@jud.ca.gov |
| Discussion | <p>Penal Code section 530.6 provides for a procedure for identity theft victims to petition the court for a certificate showing that they are factually innocent. (Pen. Code, § 530.6(b).) The Judicial Council has adopted a form for that finding: the <i>Certificate of Identity Theft: Judicial Finding of Factual Innocence</i>, form CR-150. However, there is no Judicial Council application or petition for the CR-150.</p> <p>The proposed optional form would help identity theft victims to petition the court for a finding of factual innocence under Penal Code section 530.6. This procedure is relatively new and there is no standardized method for petitioning the court. The petition and certificate were legislatively enacted in the 2001 and the procedures to obtain a certificate are complex and are seldom used. This optional form is designed to alleviate those burdens by presenting the petition in a simple check-box format.</p> |
| | Attachments |

| | |
|--|---|
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: | FOR COURT USE ONLY DRAFT #3 3/1/04 |
| The People of the State of California <div style="text-align: right;">Petitioner:</div> <div style="text-align: center;">VS</div> <div style="text-align: right;">Defendant/Respondent:</div> | |
| PETITION FOR CERTIFICATE OF IDENTITY THEFT PENAL CODE SECTION 530.6 | CASE NUMBER: |

1. Your name (*person asking for the certificate*):

Your address (*if you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your phone No. (*optional*): (____) _____

Your lawyer (*name, address, phone number, and State Bar number*):

Name: _____

Address: _____

Phone Number: _____

State Bar Number: _____

2. I reasonably believe that I have been the victim of the crime of identity theft. (If available, attach a copy of the report of the suspected crime of identity theft, issued by the local law enforcement agency that has jurisdiction over your actual residence. Mark the report as, "Exhibit 1.")
3. I need a *Certificate of Identity Theft: Judicial Finding of Factual Innocence*, because:

(Check applicable boxes **and** fill in applicable blanks)

- (a) ☐ An identity thief was cited in my name:

Date of citation: _____ Violation of Law Stated in Citation: _____

Citation Number: _____ Agency that Issued the Citation: _____

Attach a copy of the citation, if available. Mark it as, "Exhibit 2A."

This is not a Court Order

(continued on next page)

PEOPLE OF THE STATE OF CALIFORNIA vs.
DEFENDANT:

CASE NUMBER:

- (b) ☐ An identity thief was arrested in my name.

Date of arrest: _____ Arresting Agency: _____

Arrest warrant No: _____ Agency that issued the Warrant: _____

Attach a copy of the warrant, if available. Mark it as, "Exhibit 2B."

- (c) ☐ An identity thief was convicted (*in my name*) of a crime.

Date of conviction: _____ Crime involved: _____

Name of Court : _____ Case Number: _____

Attach a copy of the judgment of conviction, if available. Mark it as, "Exhibit 2C."

- (d) ☐ A criminal complaint has been filed against an identity thief, in my name:

Name of Court : _____ Case Number: _____

Attach a copy of the criminal complaint, if available. Mark it as, "Exhibit 2D."

- (e) ☐ My identity has been mistakenly associated with a record of criminal conviction.

Date of conviction: _____ Case Involved: _____

- (f) ☐ I was arrested for a crime committed by an identity thief using my name.

Date of arrest: _____ Arresting Agency: _____

Arrest warrant number: _____ Agency that issued the warrant: _____

Attach a copy of the warrant, if available. Mark it as, "Exhibit 2E."

Date I submitted my petition to the arresting agency under Penal Code § 851.8:

Date the arresting agency denied that petition: _____

Attach copy of the petition, if available. Mark it as, "Exhibit 2F."

This is not a Court Order

(continued on next page)

PEOPLE OF THE STATE OF CALIFORNIA vs.
DEFENDANT:

CASE NUMBER:

4. There is no reasonable cause to believe that I committed the offense for which the identity thief was arrested, cited, convicted, or was the actual subject of a criminal complaint in my name; or there is reasonable cause to believe that my identity has been mistakenly associated with a record of criminal conviction.
5. I will provide to the judge my basic personal identification information, such as my full name, date of birth, gender, weight, height, natural hair color, natural eye color, race, age, and driver's license or identification number, however such information is not included in this Petition in order to avoid further publishing the information.
6. The following additional facts and/or designated exhibits support this Petition: _____

7. I understand that the court may vacate the certificate of identity theft at any time if this petition, or any part of the information submitted in support of this petition, is found to contain any material misrepresentations or fraud.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: _____

Sign your name: _____

Print your name: _____

This is not a Court Order